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10/677,934	10/02/2003	Robert H. Feldmeier	706.002PA	9726

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EXAMINER

LAMBRECHT, CHRISTOPHER M

ART UNIT PAPER NUMBER

2611

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/677,934

Applicant(s)

FELDMEIER, ROBERT H.

Examiner

Christopher M. Lambrecht

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☐ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's failure to adequately traverse facts Officially noticed in the rejections of claims 4, 7, and 8 of the previous Office is taken as an admission of the facts noticed.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 and 5-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,774,926 to Ellis et al. (hereinafter "Ellis") in view of U.S. Patent No. 6,307,550 to Chen et al. (hereinafter "Chen") and further in view of Broadcast.com (of record).

Regarding claim 1, Ellis discloses a process for self-help video production of events (col. 3, ll. 19-29) of interest to groups of interested persons (viewers, col. 7, ll. 30-37) at each of a plurality of originating institutions (where a video program is inherently produced at an originating institution, e.g., studio, performance venue, etc.), and of recording or storing (col. 7, ll. 38-46), and processing and transmitting (col. 4, ll. 6-18) on demand the video recorded events to subscribers among said groups of interested persons (col. 7, ll. 43-46), the events being produced by respective ones of said originating institutions, and each event being categorized in an identifiable category of events (col. 11, ll. 1-6) comprising:

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obtaining a video production of each of said events, by self-help, in-house capturing the event at said originating institution using at least one video camera, such that the video productions each including at least one video channel (col. 6, ll. 1-8);

transmitting said video production to a central digital clearing house (e.g., television distribution facility) having a computer processor (server) for digitally processing each said video production to prepare the video channel thereof for digital storage and retransmission (col. 4, ll. 6-18), a digital memory arrangement with capacity sufficient for storing a multiplicity of said video productions (col. 7, ll. 38-43); and a web transmitter for transmitting the stored video productions of said events to said subscribers on demand (col. 7, ll. 33-48);

converting at said clearing house said video and audio channels of said video productions to a digital form (col. 4, ll. 6-18), and storing same at storage locations on the associated digital arrangement (col. 7, ll. 49-57);

said clearing house creating a subscriber accessible index of the video productions stored in the memory arrangement at said clearing house (col. 5, ll. 8-12, col. 4, ll. 19-20, and col. 10, ll. 17-35), the index having categories including originating institution (col. 14, ll. 48-51) and type of event (category, col. 11, ll. 1-2);

providing to a plurality of subscribers digital access, via a global computer network, to the video recordings of the events stored on memory arrangement at said clearing house (col. 7, l. 64 - col. 8, l. 4), including providing each said subscriber access via a global computer network to said index (col. 12, l. 66 - col. 13, l. 4), permitting the subscriber to select one or more categories of said index, and permitting the subscriber to select a desired video production within the selected one or more categories (col. 14, ll. 40-44); and

transmitting to said subscriber the selected video production over said global computer network (col. 7, ll. 38-48).

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Ellis fails to explicitly disclose the production including a microphone and at least one audio channel; and said index includes the date of event.

In an analogous art, Chen discloses a video production including a microphone and at least one audio channel (where there exists an audio track corresponding to a video segment, col. 5, ll. 9-15, the production inherently involved a microphone), for the purpose of providing the viewer with audio associated with a video segment (col. 5, ll. 9-15).

Accordingly, it would have been obvious to one of ordinary skill in the art the time the invention was made to modify the production of Ellis to include a microphone and at least one audio channel, for the purpose of providing the viewer with audio associated with a video segment.

Ellis and Chen fail to explicitly disclose the index includes the date of the event.

In an analogous art, Broadcast.com discloses a system for providing media productions on demand comprising an index having categories including date of event (see p. 3), for the purpose of enabling the user to select a desired game (see p. 3).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Ellis and Chen to include categories such as originating institution and date of event, as taught by Broadcast.com, for the purpose of enabling the user to select a desired game.

As for claim 5, Ellis, Chen, and Broadcast.com together disclose the process of producing and transmitting of video events according to claim 1, wherein said originating institutions comprise academic institutions with athletic programs, and said categories include sports events at said academic institutions (see Broadcast.com, pp. 1 and 2).

As for claim 6, Ellis, Chen, and Broadcast.com together disclose the process of producing and transmitting of video events according to claim 1, wherein said step of transmitting includes supplying, via a video channel, the video and audio channels in real time to said clearing house (i.e., for distribution to viewers, col. 6, ll. 7-14); and said clearing house providing to subscribers with access authorization the video and audio channels in real time to said clearing house (col. 7, ll. 48-58 and col. 15, ll. 30-35), and said clearing house providing to subscribers with access authorization said video and audio channels in real time as a live web video presentation (where video provided over in real time over the web, col. 7, ll. 33-38, constitutes a live web video presentation), and also recording said event for digital storage and retransmission in said digital memory arrangement (col. 8, ll. 22-27).

Regarding claim 7, Ellis, Chen, and Broadcast.com together disclose the process of producing and transmitting of video events according to claim 1. However, they fail to disclose the step of obtaining a video production of said events includes obtaining images from two cameras, feeding both said images to a control module having two video screens, and employing a control means to select on or the other of said images.

Official notice is taken of the fact that it is well known in the art for obtaining a video production of events to include obtaining images from two cameras, feeding both said images to a control module having two video screens, and employing a control means to select on or the other of said images, such that multiple camera views are presented to the viewer, resulting in a production that is more interesting to the viewer.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Li and Broadcast.com to include obtaining images from two cameras, feeding both said images to a control module having two video screens, and employing a control means to select on or the other of said images, for the purpose of creating a more interesting production.

Regarding **claim 8**, Ellis, Chen, and Broadcast.com together disclose the process of producing and transmitting of video events according to claim 1, further comprising prior to transmission, verifying access authorization for any said subscriber that is seeking access to said stored video recordings for viewing same (Ellis, col. 15, ll. 30-35).

Regarding **claim 9**, Ellis, Chen, and Broadcast.com together disclose the process of producing and transmitting video events according to claim 5, but fail to explicitly disclose institutional subscribers each of which has an internal local area network, allowing individuals at said institutional subscribers to plug into the local area network and view archived ones of said video productions.

Official notice is taken of the fact that it is well known for institutions (e.g., universities, companies, etc...) to subscribe to Internet services and to maintain an internal local area network for the purpose of enabling individuals associated with said institutions to access the Internet.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Ellis, Chen, and Broadcast.com to include institutional subscribers, each of which has an internal local area network, allowing individuals at said institutional subscribers to plug into the local area network and view archived ones of said video productions.

4. **Claims 2-4** are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis, Chen, and Broadcast.com as applied to claim 1 above, and further in view of U.S. Patent Application Publication No. US 2001/0034734 A1 to Whitley et al. (hereinafter "Whitley").

Regarding **claim 2**, Ellis, Chen, and Broadcast.com together disclose the process of producing and transmitting of video events according to claim 1. However, they fail to disclose obtaining a video production includes capturing the event at said originating institution using at least one video camera and

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at least one microphone, and recording the captured event on a portable physical video recording medium, and said step of transmitting includes physically transporting said portable recording medium via a public express service to said clearing house.

In an analogous art, Whitley discloses obtaining a video production includes capturing the event at said originating institution using at least one video camera and at least one microphone (where the clip is an audio-video clip, ¶0057), and recording the captured event on a portable physical video recording medium, and said step of transmitting includes physically transporting said portable recording medium via a public express service to said clearing house (¶0058), for the purpose of providing additional methods for transferring said events from a playing field to subscribers (0057).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Ellis, Chen, and Broadcast.com to include obtaining a video production includes capturing the event at said originating institution using at least one video camera and at least one microphone, and recording the captured event on a portable physical video recording medium, and said step of transmitting includes physically transporting said portable recording medium via a public express service to said clearing house, as taught by Whitley, for the purpose of transferring said events from a playing field to subscribers.

As for claim 3, Ellis, Chen, Broadcast.com, and Whitley together disclose the process of producing and transmitting video events according to claim 2 wherein said portable physical video record medium includes a video tape (Whitley, ¶0058).

As for claim 4, Ellis, Chen, Broadcast.com, and Whitley together disclose the process of producing and transmitting of video events according to claim 2. However, they fail to disclose said portable physical video record medium includes a digital optical disk.



Official notice is taken of the fact that it is well known in the art to store digital media on a digital optical disk, as these devices are generally smaller, lighter, or less expensive than alternative storage devices (such as magnetic tape or semiconductor memory devices).

Consequently, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Ellis, Chen, Broadcast.com, and Whitely to include said portable physical video record medium includes a digital optical disk, for the purpose of reducing size, weight, or cost of the record medium.

5. Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis, Chen, and Broadcast.com as applied to claim 7 above, and further in view of The J-Lab Co. "Portable Production Equipment: CFS-1" product brochure, May, 2002 (hereinafter "J-Lab") and further in view of U.S. Patent No. 4,704,604 to Fuhs et al. (hereinafter "Fuhs").

Regarding claim 10, Ellis, Chen, and Broadcast.com together disclose the process of producing and transmitting video events according to claim 7. However, they fail to disclose a portable video production module, as claimed.

In an analogous art, J-Lab discloses a portable video production module (CFS-1, p.1) which includes feeds from said cameras (p. 2, ¶1) and said microphones (audio, p. 2, ¶2), a housing (see p. 1), a panel in said housing holding first and second screens on which the video output images of said plurality of cameras are displayed, respectively (see p. 1, note separate monitor screens for each camera), for the purpose of providing centralized control of video production functionality in a portable case (p. 2, ¶1).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Ellis, Chen, and Broadcast.com to include a portable video production module which includes feeds from said cameras and said microphones, a housing, a panel in said housing holding first and second screens on which the video output images of said plurality of

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cameras are displayed, respectively, as taught by J-Lab, for the purpose of providing centralized control of video production functionality in a portable case.

J-Lab is silent with respect to a control panel that is slidably removable from said housing, and which includes a camera selection toggle serving as said means to select one or the other of said images.

In an analogous art, Fuhs discloses a portable, video display unit (see fig. 1 and col. 1, ll. 45-50 and 57-60) comprising a control panel that is slidably removable from said unit (col. 3, ll. 29-40), for the purpose of enabling operation of the unit in a remote manner (col. 3, ll. 32-37).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Ellis, Chen, Broadcast.com, and J-Lab to include a control panel that is slidably removable from said housing, as taught by Fuhs, for the purpose of enabling remote operation.

Ellis, Chen, Broadcast.com, J-Lab, and Fuhs are silent with respect to including on said control panel a camera selection toggle, as claimed.

Official notice is taken of the fact that it is well known in the art for to employ a camera selection toggle on a control panel of video production equipment serving as means to select one or the other of a plurality of images, such that multiple camera views are presented to the viewer, resulting in a production that is more interesting to the viewer.

Accordingly, it would have been obvious to one of ordinary skill in the art to modify the system of Ellis, Chen, Broadcast.com, J-Lab, and Fuhs to include a camera selection toggle serving as said means to select one or the other of said images, such that multiple camera views are presented to the viewer, resulting in a production that is more interesting to the viewer.

Regarding claim 11, Ellis, Chen, Broadcast.com, J-Lab, and Fuhs together disclose the process according to claim 10. In addition, Ellis discloses employing a computer coupled with said video

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equipment for video editing. Ellis, Chen, Broadcast.com, J-Lab, and Fuhs are silent with respect to inserting titling and graphics concerning the event on said video images.

Official notice is taken of the fact that it is well known in the art to employ video editing equipment to insert titling and graphics related to a video programming, for the purpose of making the video production more interesting or informative to a viewer.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Ellis, Chen, Broadcast.com, J-Lab, and Fuhs to include insert titling and graphics related to a video programming, for the purpose of making the video production more interesting or informative to a viewer.

Regarding claim 12, Ellis, Chen, Broadcast.com, J-Lab, and Fuhs together disclose the process according to claim 10, but are silent with respect to means permitting an operator to select audio balance between said microphones.

Official notice is taken of the fact that it is well known in the art to include in video production equipment means permitting an operator to select audio balance between a plurality of microphones (e.g., an audio mixer), for the purpose of enabling the producer to create an audio mix that will be pleasing to the viewer.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Ellis, Chen, Broadcast.com, J-Lab, and Fuhs to include means permitting an operator to select audio balance between a plurality of microphones, for the purpose of enabling the producer to create an audio mix that will be pleasing to the viewer.

*Conclusion*

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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7. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

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Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher M. Lambrecht whose telephone number is (571) 272-7297305-8710. The examiner can normally be reached from 9:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached at (571) 272-72948710. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christopher M Lambrecht  
Examiner  
Art Unit 2611

CML

  
**HAI TRAN**  
**PRIMARY EXAMINER**